

REMARKS

In Paper No. 3, mailed December 17, 2001, the Examiner requested restriction between the claims of Group I, claims 1-11 drawn to a copper alloy, and the claims of Group II, claims 12-20 drawn to a method for the manufacture of a copper alloy. In Paper No. 4, mailed May 14, 2002, Applicants confirmed the election of Group I and added new claims 21-24 to Group I. Applicants then traversed the restriction requirement.

In Paper No. 5, mailed August 27, 2002, the Examiner repeated the restriction requirement and made it Final. Accordingly, Applicants cancel claims 12-20 drawn to the non-elected Group.

New claims 21-24 were rejected under 35 U.S.C. 112, second paragraph, as indefinite. The Examiner identified that it was not clear whether the claimed alloy was being treated or was treated in a relief anneal temper. Claims 21-24 have been cancelled without prejudice or disclaimer rendering the 35 U.S.C. 112, second paragraph rejection moot.

In the instant amendment to the claims, claims 1 and 10 have been amended, claims 12-24 cancelled and claims 2-9 and 11 are unchanged. As a result of this amendment, claim 1 is drawn to a copper alloy containing specified amounts of iron, nickel, tin and phosphorous. The alloy is in a relief anneal (R.A.) temper. As disclosed in Applicants' specification at Table 3 on page 10, when a copper alloy having the claimed composition is in the Relief Anneal Temper, the resistance to stress relaxation is much improved over the same alloy in a Hard Temper, where the final process step is a cold roll.

Claims 1-11 and 21-24 were rejected under 35 U.S.C. 103 as unpatentable over either JP11-264037 or JP61-266540. Claims 21-24 have been cancelled rendering the rejection as to those claims moot.

JP11-264037 is drawn to a Cu-Fe-P alloy that may optionally contain tin and nickel. It is noted that nickel is one element of a Markush Group containing 11 members and there is no motivation in the reference to select nickel from the group. Reference Table 1 provides 8 exemplary alloys, not one of which contains any nickel. The reference acknowledges that copper-iron-phosphorous alloys are known and the reference is drawn to a process to minimize inclusion size and density (JP11-264037 at paragraph [0008]). The reference process ends with cold rolling (JP11-264037 at paragraph [0017], "...finishing is performed to the desired board thickness by cold rolling.").

There is nothing in JP11-264037 to teach or suggest to one skilled in the art that when nickel and tin are added to a copper-iron-phosphorous alloy enhanced resistance to stress relaxation is achieved when the alloy is in a Relief Anneal Temper. Applicants claims 1-11 should be allowed over the cited reference.

JP61-266540 discloses a copper alloy containing iron, nickel, phosphorous and tin. The Abstract of the reference discloses a "finishing draft 37%" suggesting that the reference is drawn to a Hard Temper alloy as opposed to a Relief Anneal Temper alloy. There is nothing in JP61-266540 to teach or suggest to one skilled in the art that when nickel and tin are added to a copper-iron-phosphorous alloy enhanced resistance to stress relaxation is achieved when the alloy is in a Relief Anneal Temper. Applicants claims 1-11 should be allowed over the cited reference.

The amendment to claim 1 incorporates a limitation of previously considered claim 21, Therefore, it is believed that no new matter has been entered into the claims and the

amendment is proper under 37 C.F.R. 1.116. Further, it is believed that the claims as amended are in condition for allowance, or in the alternative in better condition for appeal. Entry of this amendment and reconsideration of the claims as amended is respectfully requested.

NOTICE OF APPEAL

In the event that the Examiner sustains the rejection of the pending claims, a Notice of Appeal is appended.

PETITION FOR AN EXTENSION OF TIME

A Petition for a three month extension of time accompanies this amendment.

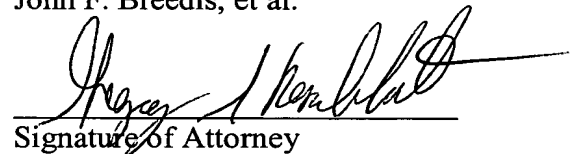
Accordingly, Applicant submits that none of the references, alone or in combination, anticipate or make obvious the invention as presently claimed and that the application is now in condition for allowance. Therefore, Applicant respectfully requests reconsideration and further examination of the application and the Examiner is respectfully requested to take such proper actions so that a patent will issue herefrom as soon as possible.

If the Examiner has any questions or believes that a discussion with Applicant's attorney would expedite prosecution, the Examiner is invited and encouraged to contact the undersigned at the telephone number below.

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Date: February 21, 2003
Reg. No. 32,489

Respectfully submitted,
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